

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT CURTIS BASS, INC.

vs.

COUNTY OF SAN DIEGO, et al.,

Plaintiff,

Defendants.

CASE NO. 08CV2135 MMA (NLS)

**ORDER STAYING CASE
PENDING PLAINTIFF'S
PROCUREMENT OF COUNSEL
AND PAYMENT OF THE \$350
FILING FEE**

On February 20, 2009, the Court issued an Order granting Plaintiff's request to correct the docket to reflect that Plaintiff originally filed this above-entitled action as Robert Curtis Bass, Inc., a corporation. [Doc. No. 62]. At the time Plaintiff filed its complaint, it was not apparent that Plaintiff was filing the action as a corporation. This confusion was created in part by the caption, which reflected the Plaintiff as Robert Curtis Bass, an individual, and Plaintiff's failure to file the required disclosure statement of a nongovernment corporate party in compliance with Federal Rule of Civil Procedure 7.1. Throughout Plaintiff's various filings with the Court, Plaintiff referred to itself as Robert Curtis Bass and not Robert Curtis Bass, Inc. Because it appeared Plaintiff was proceeding as an individual, the Court permitted Plaintiff to proceed *pro se* and *in forma pauperis*.

1 [Doc. No. 8].

2 The Court may authorize the commencement of an action without the prepayment of fees if
 3 the party submits an affidavit, including a statement of assets, showing that he is unable to pay the
 4 requisite filing fee. 28 U.S.C. § 1915(a). The statute that permits a party to proceed *in forma*
 5 *pauperis*, however, only extends to individuals, not to artificial entities. *Rowland v. Calif. Men's*
 6 *Colony*, 506 U.S. 194, 196 (1993). Because Plaintiff is a corporation, it is not permitted to proceed
 7 *in forma pauperis*. Accordingly, the Court hereby **REVOKES** Plaintiff's *in forma pauperis* status
 8 for this lawsuit, and **STAYS** all proceedings in this case, until such time as Plaintiff pays the filing
 9 fees in full. Plaintiff must pay the \$350 court filing fee by **March 23, 2009**.

10 In addition, Mr. Robert Curtis Bass intends to represent Plaintiff during the pendency of
 11 this suit as the "Attorney-In-Fact" or *pro querente* (for the plaintiff). [Doc. No. 55-2] at 2:4–15.
 12 28 U.S.C. § 1654 permits parties to "plead and conduct their own cases personally" in federal
 13 court. Courts, however, have consistently held that corporations and other incorporated
 14 associations must appear in court through an attorney. *See, e.g., Rowland*, 506 U.S. at 202; *Licht v.*
 15 *American W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994); *Eagle Assocs. v. Bank of Montreal*, 926
 16 F.2d 1305, 1309 (2d Cir. 1991) ("Corporations and partnerships, [both of which are fictional
 17 persons], are unable to represent themselves and the consistent interpretation of § 1654 is that the
 18 only proper representative of a corporation or partnership is a licensed attorney, not an unlicensed
 19 layman regardless of how close his association with the partnership or corporation."). Because Mr.
 20 Bass is a layperson and not a licensed attorney as required by law, he may no longer represent
 21 Plaintiff in this action. Accordingly, Mr. Bass may no longer participate as a legal representative
 22 in this case. Plaintiff must procure licensed legal representation on or before **March 23, 2009**.
 23 Plaintiff's failure to pay the filing fee or procure counsel on or before **March 23, 2009** will result
 24 in the Court's dismissal of the case.

25 **CONCLUSION**

26 For the reasons stated above, IT IS HEREBY ORDERED that:

- 27 1. Plaintiff's *in forma pauperis* status is **REVOKED**.
- 28 2. Plaintiff's *pro se* status is **REVOKED**.

